



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

OFFICE OF
THE REGIONAL ADMINISTRATOR



40027972
SUPERFUND RECORDS

MAY 01 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mark Cochran
Manager, Env. Affairs Dept.
Central Illinois Public Service
607 East Adams Street
Springfield, Illinois 62739

Site:	Martha Rose Chem.
ID #:	MO0980633069
Break:	116 0780
Other:	Central Ill. Pub. Serv.
	5-1-92

SPECIAL NOTICE LETTER

Re: Martha C. Rose Chemicals Co., Inc., Site
Holden, Missouri

Dear Mr. Cochran:

The United States Environmental Protection Agency ("EPA") has documented the release or threatened release of hazardous substances, pollutants or contaminants at the above-referenced Site. By previous correspondence, EPA provided written notice to Central Illinois Public Service (hereinafter referred to as the "Organization") that the Organization was a party who may be liable for money expended by EPA in connection with the subject Site. A similar letter was sent to the other known potentially responsible parties. In these letters, EPA also offered your Organization and other potentially responsible parties the opportunity to voluntarily undertake appropriate response actions at the Site.

In the spring of 1986, negotiations commenced with the Rose Chemicals Steering Committee ("RCSC"), an organized group of parties potentially liable for conditions at the Site under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9607(a). As a result of these initial negotiations, the RCSC agreed to stabilize the Site and to conduct an inventory of the abandoned waste at the Site under an administrative order on consent (AOC). Subsequent negotiations in 1987 resulted in a second AOC whereby the RCSC agreed to remove and dispose of a

significant amount of wastes at the Site and also agreed to conduct a remedial investigation ("RI") and feasibility study ("FS"). These actions were undertaken pursuant to authority contained in CERCLA, 42 U.S.C. § 9601 et. seq.

The RI was conducted by the RCSC to determine the nature and extent of contamination at the Site. The FS was conducted by the RCSC to evaluate various alternative remedial actions to address the conditions at the Site. Along with the RI and FS Reports, EPA issued a Proposed Plan which recommended the appropriate extent of remedial action at the Site. The public comment period ended for the RI and FS Reports and the Proposed Plan on August 27, 1991, and the Regional Administrator issued the Record of Decision ("ROD"), which selected the appropriate remedial action for the Site, on March 6, 1992.

Unless the EPA determines that a potentially responsible party ("PRP") or a group of organized PRPs will voluntarily undertake the remedial actions necessary at the Site as set forth in the ROD and reimburse the United States for the costs that have been incurred in connection with the Site, EPA will necessarily have to consider the utilization of all its response and enforcement authorities under CERCLA to ensure the appropriate response actions are completed in a timely manner. Response costs include, but are not limited to, expenditures for investigation, planning, response and enforcement activities.

In accordance with CERCLA, EPA has incurred certain costs in response to conditions at the Site. These past costs include, but are not limited to, direct costs and indirect costs. As of February 29, 1992, the United States has incurred and paid costs of approximately \$2,737,207.41 (See Attachment A, hereto). This amount does not include costs incurred by the U.S. Department of Justice. EPA also anticipates expending additional funds for response actions in connection with the Site pursuant to CERCLA. All parties receiving this letter are considered potentially liable for both the past and future costs plus interest. Interest on past costs shall accrue from the date of this demand for payment and interest on future costs shall accrue from the date of expenditure in accordance with CERCLA Section 107(a). The current annual rate of interest on unpaid costs is 5.7%.

With this letter and in accordance with CERCLA Section 107(a), demand is hereby made for payment of the above-stated past costs and all interest recoverable under CERCLA Section 107 or under any other provision of law. EPA encourages your Organization to voluntarily negotiate a consent decree in which your Organization and possibly other PRPs agree to perform the necessary response actions and reimburse the United States for all other costs that are incurred in connection with the Site, including oversight. Enclosed for your consideration is a copy of the draft consent decree and statement of work for the

implementation of the remedial action selected in the ROD (See Attachment B, hereto).

As a potentially responsible party, you should notify EPA in writing within ten (10) days of receipt of this letter of the Organization's willingness to participate in negotiations to perform or finance the activities described above. If EPA does not receive a timely response, EPA will assume that your Organization does not wish to negotiate a resolution of its potential responsibility in connection with the Site and that your Organization has declined any involvement in performing the response activities.

The response to this letter should indicate the appropriate name, address, and telephone number for further contact with you. Your response letter to EPA should be sent to:

Karen Pearl
Office of Regional Counsel
U.S. Environmental Protection Agency
726 Minnesota Avenue
Kansas City, Kansas 66101

Pursuant to CERCLA Section 122(e)(1), EPA has determined that a period of negotiation may facilitate an agreement with your Organization and other PRPs. Upon your receipt of this Special Notice, you will have a maximum of sixty (60) days to coordinate with the other PRPs and to present to EPA a "good faith" proposal for implementing and conducting the response actions selected in the Record of Decision. To assist the PRPs in negotiating with EPA concerning this matter, EPA is providing a list of persons who are receiving a letter seeking reimbursement of the costs identified herein. The list is appended as Attachment C to this letter. It should be noted that inclusion on or exclusion from the list does not constitute a final determination by the Agency concerning the liability of any party for remediation of Site conditions or payment of past or future response costs. While each PRP's liability is joint and several, the parties may allocate the costs to be paid to the United States among themselves.

Remittance must be made payable to the "U.S. EPA Hazardous Substance Superfund" established pursuant to CERCLA in Title 26, Chapter 98 of the Internal Revenue Code, and must reference the Martha C. Rose Chemicals Co., Inc. Site, Holden, Missouri. Please send your remittance to:

Mellon Bank
Environmental Protection Agency - Region VII
Attn: Superfund Accounting
(Financial Management)
P.O. Box 360748M
Pittsburgh, PA 15251

In accordance with the requirements of CERCLA Section 122(e)(2), EPA will not commence action under CERCLA Section 104(a), or take any action under CERCLA Section 106 for at least 60 days after the date of this letter. In accordance with CERCLA Section 122(e)(2)(B), a proposal for undertaking or financing the response actions selected in the ROD must be submitted to EPA within sixty (60) working days of receipt of this letter. The proposal must demonstrate the PRP's qualifications and willingness to conduct or finance the response action consistent with the ROD for the subject Site. A copy of the ROD is appended as Attachment D. The moratorium period will be extended by 60 days if EPA receives a good faith offer to perform the response actions and to pay the government's cost; the purpose of the second sixty (60) day time period is to allow the PRPs and the EPA to finalize the settlement for conducting the work and resolving response cost issues.

Except in extraordinary circumstances, no extension to this 60 day period will be granted by the EPA. If a "good faith" proposal is not received within the 60 days, the U.S. EPA may take such appropriate actions as authorized by law.

An Administrative Record containing documents that form the basis for the Agency's decision on the selection of the remedy is available for public inspection at the EPA Docket Room in Region VII, 726 Minnesota Avenue, Kansas City, Kansas, and at the offices of the City of Holden, Missouri.

Please direct legal matters and questions regarding this letter to J. Scott Pemberton, Office of Regional Counsel. He may be reached at (913) 551-7276.

If you have not already done so, the U.S. EPA strongly encourages your Organization to take immediate steps to organize into a committee or committees with other PRPs to negotiate an agreement with EPA to undertake the remedial actions at the Site. We hope you give this matter your immediate attention.

Sincerely,



Morris Kay
Regional Administrator

Enclosures

STEERING COMMITTEE MEMBERS

Mr. Mark Cochran
Manager, Env. Affairs Dept.
Central Illinois Public Service
607 East Adams Street
Springfield, Illinois 62739

Mr. Paul Turregano
Steering Committee Member
Central Louisiana Elec. Co., Inc
2030 Donahue Ferry Road
Pineville, Louisiana 71361

Mr. J. Martin Thrasher
Dir. Environmental Services
Colorado Springs Dept. Of Util.
102 South Weber
Colorado Springs, Colorado 80903

Ms. Diane Richardson
Steering Committee Represent.
Commonwealth Edison Company
1 First National Plaza
Chicago, Illinois 60603

Mr. William McFarland
Superfund Activity
General Motors Corporation
30400 Mound Road
Warren, Michigan 48090-9015

Mr. William McFarland
Superfund Activity
General Motors-Fisher Body Div.
30400 Mound Road
Warren, Michigan 48090-9015

Mr. Jene L. Robinson
Steering Cmte. Representative
Illinois Power Company
500 South 27th Street
Decatur, Illinois 62525-1805

Mr. Dale Sharp
Director of Electrical Engr.
Interstate Power Company
1000 Main Street
Dubuque, Iowa 52001

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Senior Attorney
Iowa Public Service Company
401 Douglas Street
Sioux City, Iowa 51101

Mr. Robert H. Fackler, P.E.
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Kansas Power & Light
818 Kansas Avenue
Topeka, Kansas 66612

Mr. Fred Manhart
Environmental Affairs
Louisiana Power & Light Company
317 Baronne Street
New Orleans, Louisiana 70112

Mr. Edward E. Mulligan
President
Massachusetts Electric Company
25 Research Drive
Westborough, Massachusetts 01582

Mr. Robert C. Beck
Environmental Affairs Supr.
Missouri Public Service Company
10700 East 350 Highway
Kansas City, Missouri 64138

Mr. Robert McCabe
President
Narragansett Electric Company
280 Melrose Street
Providence, Rhode Island 02901

Mr. Andrew H. Aitken
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25 Research Drive
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Mr. Howard C. McAfee
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New Orleans Public Service, Inc.
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Mr. Lester Burris
Supervisor of Env. Control
Oklahoma Gas & Electric
321 North Harvey
Oklahoma City, Oklahoma 73102

Mr. William L. Neal
Manager-Environmental Affairs
Omaha Public Power District
444 South 16th Street Mall
Omaha, Nebraska 68102

Mr. Jay A. Pruett
Manager of Environ. Affairs
Southwestern Electric Power Co.
428 Travis Street
Shreveport, Louisiana 71101

Mr. Chris Bissett
Manager, Power Plant Engr.
West Texas Utilities Company
301 Cypress
Abilene, Texas 79601